

In item 1 on page 2 of the Office action, claims 1-22 and 27-32 have been rejected as being obvious over Ue et al. (U.S. Patent No. 6,400,929) in view of O'Byrne (U.S. Patent No. 6,243,584) under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

It is noted that the patent to Ue et al. has a 35 U.S.C. § 371(c)(1), (2), (3) date of December 6, 1999. See 35 U.S.C. § 102(e). As set forth in the Declaration of record, the instant application claims the international priority of German Application No. DE 199 31 236.2, filed July 7, 1999, under 35 U.S.C. § 119.

Pursuant to 35 U.S.C. § 119 applicant is entitled to the priority date of the German application. Thus, the instant application predates the patent to Ue et al. Because the § 371 date of the patent to Ue et al. is after the priority date of the instant application, applicant respectfully believes that the patent to Ue et al. is unavailable as prior art.

Applicant acknowledges that perfection of priority can only be obtained by filing a certified English translation of the German priority application. See 35 U.S.C. § 119.

Concurrent herewith, applicant has filed a certified English translation of German application No. DE 199 31 236.2. A certified copy of DE 199 31 236.2 has already been filed on December 7, 2000. Accordingly, applicant respectfully believes that priority has been perfected and the patent to Ue et al. is unavailable as prior art. Therefore, applicant respectfully submits that the Section 103 rejections on pages 2 to 7 of the Office action are now moot.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1 or 32. Claims 1 and 32 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-32 are solicited.

Please charge any fees which might be due with respect to  
Sections 1.16 and 1.17 to the Deposit Account of Lerner and  
Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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